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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEVADA**

ORACLE USA, INC., a Colorado
corporation; ORACLE AMERICA, INC.,
a Delaware corporation; and ORACLE
INTERNATIONAL CORPORATION, a
California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada
corporation; and SETH RAVIN, an
individual,

Defendants.

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CASE NO. 2:10-cv-0106-LRH-PAL

**RIMINI STREET, INC.'S AND SETH RAVIN'S
MOTION FOR LEAVE TO FILE UNDER SEAL
PORTIONS OF THEIR OPPOSITION TO
ORACLE'S MOTION FOR PREJUDGMENT
INTEREST AND SUPPORTING
DECLARATIONS**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010 (*see* Dkt. 55, “Protective Order”), Local Rule 10-5(b), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendants Rimini Street, Inc. and Seth Ravin (together, referred to as “Rimini”) respectfully request that the Court grant leave to file under seal portions of their Opposition to Oracle’s Motion for Prejudgment Interest (“Opposition”) and the supporting Declarations of Robert H. Reckers and Dr. Thomas Vander Veen. Public redacted versions of the Opposition and supporting declarations were filed on December 14, 2015. Additionally, also on December 14, 2015, unredacted versions of the Opposition and supporting declarations were filed under seal.

The Protective Order provides that: “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ and as ‘Highly Confidential Information—Attorneys’ Eyes Only’ under the terms of the Protective Order only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information—Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2.

The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials for many types of information, including, but not limited to, trade secrets or other confidential research, development, or commercial information.” *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (citations omitted).

Sealing portions of the Opposition and the supporting declarations is requested because they refer to information designated as “Confidential Information” under the terms of the Protective Order, including information designated by Oracle as “Confidential Information.” If publicly disclosed, this information—which includes confidential pre-trial settlement offers made by Rimini under Federal Rule of Civil Procedure 68—could greatly harm Rimini and/or Oracle.

The Protective Order provides that: “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ [...] under the terms of this Protective Order only if

1 such counsel in good faith believes that such Discovery Material contains such information and is
2 subject to protection under Federal Rule of Civil Procedure 26(c). The designation by any
3 Designating Party of any Discovery Material as ‘Confidential Information’ [...] shall constitute a
4 representation that an attorney for the Designating Party reasonably believes there is a valid basis for
5 such a designation.” Protective Order ¶ 2. Thus, in previously identifying certain information in the
6 Opposition and supporting declarations as “Confidential” material under the Protective Order, Rimini
7 and/or Oracle has represented that good cause exists for sealing those portions of the documents.

8 Rimini has submitted all other portions of its Opposition and supporting declarations for filing
9 in the Court’s public files, which would allow public access to the filings except for the portions
10 containing Confidential Information. Accordingly, the request to seal is narrowly tailored.

11 For the foregoing reasons, Rimini respectfully requests that the Court grant leave to file
12 portions of the Opposition and supporting declarations under seal.

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15 Dated: December 14, 2015

GIBSON, DUNN & CRUTCHER LLP

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17 By: /s/ Blaine H. Evanson
18 Blaine H. Evanson

19 *Attorneys for Defendants Rimini Street, Inc.*
20 *and Seth Ravin*
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